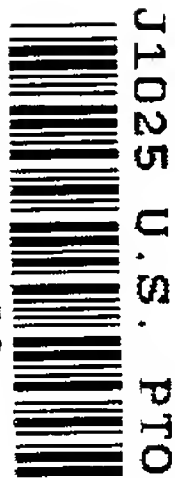


02/05/02



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PTO/SB/05 (08-00)
Approved for use through 10/31/2000 OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

| | |
|--------------------|--|
| Attorney Docket No | 00801.0137 CNUS18 |
| First Inventor | Guy della-Cioppa |
| Title | Method of Determining the Function of Nucleotide Sequences and the ... |
| Express Mail | EL615210378US |

APPLICATION ELEMENTS

See MPEP Chapter 600 concerning utility patent application contents.

ADDRESS TO:

Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ Fee Transmittal Form (PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims small entity status
See 37 CFR 1.27.
3. ☒ Specification [Total Pages **119**]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross reference to Related Applications
 - Statement Regarding Fed Sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **28**]
5. ☒ Oath or Declaration [Total Pages **4**]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuational divisional with Box 17 completed)
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. ☒ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☒ paper
 - c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information disclosure ☐ Copies of IDS Statement (IDS)/PTO-1449 Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Other Request for Transferring Previous Filed Sequence Information

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. 09/232,170 filed January 15, 1999

Prior application information Examiner J. Zara Group I Art Unit: 1635

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label **27194** or ☒ Correspondence address below

| | | | | | |
|---------|----------------------------------|-----------|--------------|----------|--------------|
| Name | Howrey Simon Arnold & White, LLP | | | | |
| Address | 301 Ravenswood Avenue | | | | |
| | Box 34 | | | | |
| City | Menlo Park | State | CA | Zip Code | 94025 |
| Country | USA | Telephone | 650-463-8109 | Fax | 650-463-8400 |

| | | | |
|-------------------|-------------------------------|-----------------------------------|----------------|
| NAME (Print/Type) | Albert Halluin; Viola T. Kung | Registration No. (Attorney/Agent) | 25,227; 41,131 |
| Signature | | Date | Feb. 5, 2002 |

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision

Complete if Known

| | |
|----------------------|-------------------|
| Application Number | Not Yet Assigned |
| Filing Date | February 5, 2002 |
| First Named Inventor | Guy della-Cioppa |
| Examiner Name | J Zara |
| Group Art Unit | 1635 |
| Attorney Docket No | 00801.0137 CNUS18 |

TOTAL AMOUNT OF PAYMENT (\$1,254.00)**METHOD OF PAYMENT**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit it Acct. No. **08-3038**Deposit Account Name **Howrey Simon Arnold & White, LLP**

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☐ Applicant claims small entity status See 37 CFR 1.27

2. ☒ **Payment Enclosed:**

- ☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION**1. BASIC FILING FEE**

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|------------------------|----------|
| 101 | 740 | 201 | 370 | Utility filing fee | 740.00 |
| 106 | 330 | 206 | 165 | Design filing fee | |
| 107 | 510 | 207 | 255 | Plant filing fee | |
| 108 | 740 | 208 | 370 | Reissue filing fee | |
| 114 | 160 | 214 | 80 | Provisional filing fee | |

SUBTOTAL (1) (\$740.00)**2. EXTRA CLAIM FEES**

| Total Claims | -20** = | Extra Claims | Fee from below | Fee Paid |
|--------------------|---------|--------------|----------------|----------|
| 33 | | 13 | 18 | 234 |
| Independent Claims | - 3 = | | 84 | |
| 3 | | | | |
| Multiple Dependent | | | 280 | 280 |

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description |
|----------------|-----------------|----------------|-----------------|--|
| 103 | 18 | 203 | 9 | Claims in excess of 20 |
| 102 | 84 | 202 | 42 | Independent claims in excess of 3 |
| 104 | 280 | 204 | 140 | Multiple dependent claim, if not paid |
| 109 | 84 | 209 | 44 | ** Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$514.00)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

| Large Fee | Entity Fee | Small Fee | Entity Fee | Fee Description | Fee Paid |
|-----------|------------|-----------|------------|--|----------|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for ex parte reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 116 | 400 | 216 | 200 | Extension for reply within second month | |
| 117 | 920 | 217 | 460 | Extension for reply within third month | |
| 118 | 1,440 | 218 | 720 | Extension for reply within fourth month | |
| 128 | 1,960 | 228 | 980 | Extension for reply within fifth month | |
| 119 | 320 | 219 | 160 | Notice of Appeal | |
| 120 | 320 | 220 | 160 | Filing a brief in support of an appeal | |
| 121 | 280 | 221 | 140 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,280 | 241 | 640 | Petition to revive - unintentional | |
| 142 | 1,280 | 242 | 640 | Utility issue fee (or reissue) | |
| 143 | 460 | 243 | 230 | Design issue fee | |
| 144 | 620 | 244 | 310 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | |
| 123 | 50 | 123 | 50 | Petitions related to provisional applications | |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) | |
| 146 | 740 | 246 | 370 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 740 | 249 | 370 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 740 | 279 | 370 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) \$**SUBMITTED BY**

Name (Print/Type) Albert P Halluin, Viola T Kung

Registration No (Attorney/Agent)

25,227, 41,131

Complete (if applicable)

Telephone 650-463-8109

Signature

Date Feb. 5, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231

EXPRESS MAIL NO: EL615210378US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Guy della-Cioppa, *et al.*

Application Serial No. Not yet assigned

Filed: February 5, 2002

For: **METHOD OF DETERMINING
THE FUNCTION OF NUCLEOTIDE
SEQUENCES AND THE PROTEINS
THEY ENCODE BY
TRANSFECTING THE SAME
INTO A HOST**

Art Unit: 1635

Examiner: J. Zara

Attorney's Docket No: 00801.0137.CNUS18

**REQUEST FOR TRANSFERRING
PREVIOUS FILED SEQUENCE INFORMATION**

BOX PATENT APPLICATION

Commissioner for Patents
Washington, D.C. 20231

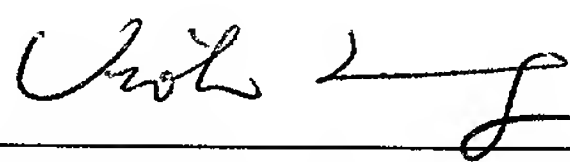
Sir:

The paper copy of the Sequence Listing in this Application is identical to the computer readable copy of the Sequence Listing submitted in Application 09/232,170, filed January 15, 1999. In accordance with § 37 CFR 1.821(e), please use the computer readable form filed in the 09/232,170 application as the computer readable form for the instant Application. It is understood that the Patent and Trademark Office will make the necessary changes in the Application number and filing date for the instant Application.

Respectfully submitted,

Date: February 5, 2002

HOWREY SIMON ARNOLD & WHITE, LLP
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Box 34
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(650) 463-8109



Albert P. Halluin (Reg. No. 25,227)
Viola T. Kung (Reg. No. 41,131)